

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 03-CR-259

-vs-

**CARL A. GEE, and
GARY R. GEORGE,**

Defendants.

DECISION AND ORDER

On January 25, 2005, the Court entered a criminal judgment and restitution order in the above-captioned matter. Part of that judgment was the imposition of a restitution obligation in the amount of \$200,000 upon defendant Carl A. Gee (“Gee”) in favor of the Opportunities Industrialization Center (“OIC”) of Greater Milwaukee. To date, Mr. Gee has paid \$15,000 in individual payments towards the \$200,000 obligation. He is paying at a rate of \$500/month.

OIC is currently in receivership. In light of Mr. Gee’s age (68 years old), poor employment prospects, and ongoing health concerns, OIC’s receiver (Ann Pemble) and largest creditor (Legacy Bank) both support the prospect of receiving a large lump sum payment from Mr. Gee in complete and total satisfaction of his restitution obligation. To that end, Mr. Gee has made arrangements to obtain a home equity loan that would provide \$35,000 to be applied immediately to the restitution balance.

Accordingly, Mr. Gee moves for an amendment to the restitution order. The United States does not oppose this motion. As indicated, the receiver for the victim, OIC, is in favor of the motion and believes that a lump sum payment will be fully compensatory under the unique circumstances presented in this case. Pursuant to 13 U.S.C. § 3664(k), (Procedure for issuance and enforcement of order of restitution), “the court may, on its own motion, or the motion of any party, including the victim, adjust the payment schedule, or require immediate payment in full, as the interests of justice require.”

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

1. Gee’s motion for an amended restitution order [D. 202] is **GRANTED**; and
2. The Clerk of Court is directed to enter an amended restitution order consistent with the foregoing opinion.

Dated at Milwaukee, Wisconsin, this 26th day of October, 2009.

SO ORDERED,

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
U.S. District Judge